

October 22, 1976

Ms. F. Lucille Nesbit  
7931 Carter Road  
Northfield, OH 44067

Dear Ms. Nesbit:

This responds to your letter of September 22, 1976, concerning the property which you wish to sell for a homesite and the possible restrictions to building within some fixed distance from a petroleum pipeline that is owned by and operated by the Laurel Pipeline Company.

During a telephone conversation on October 8, 1976, with Mr. Paul Cory of this Office, you stated that the zoning board had adopted the restriction set forth in Title 49, Code of Federal Regulations (CFR), Part 195, Section 195.210(b), "No pipeline may be located within 50 feet of any private dwelling, or any industrial building, or place of public assembly in which people work, congregate, or assemble, unless it is provided with at least 12 inches of cover in addition to that prescribed in 195.248." The zoning board has interpreted this to mean that buildings could not be constructed within 50 feet of an existing petroleum piping. This is not the intent of this regulation. There is no restriction in Part 195 on the distance between a building and a pipeline. Section 195.210 merely sets the requirement for additional cover that must be provided if a pipeline is being installed within 50 feet of certain types of locations.

This agency regulates the safety of interstate petroleum pipelines under the Transportation of Explosives Act (18 U.S.C. 831-835). Regulations governing the design, construction, operation, and maintenance of petroleum pipelines are contained in 49 CFR Part 195. These regulations are intended to prevent damage to persons and property from pipeline leaks.

The Act does not authorize the prescribing of a particular route or location for a pipeline. In fact, except in regard to the licensing of pipelines crossing Federal lands or navigable waterways, handled respectively by the Department of the Interior and the U.S. Army Corps of Engineers, no Federal agency makes routing determinations for petroleum pipelines. Routing may, however, be subject to State or local controls.

There is a regulation of the Department of Housing and Urban Development (HUD) that does not allow HUD-Federal Housing Administration to insure mortgages on residences that are built

closer than 10 feet from an easement for a liquid or gas pipeline. This is covered in HUD Minimum Property Standards, Section 4900.1 - Volume I - Single Family Housing.

Thank you for your interest in pipeline safety.

Sincerely,

Cesar DeLeon  
Acting Director  
Office of Pipeline  
Safety Operations

September 22, 1976

Hazardous Regulation Board  
Dept. of Transportation  
Washington, D.C. 20590

Dear Sirs:

We own 2.1 acres of property which we wish to sell. The Laurel Pipe Line of 469 Moon Clinton Rd, Coropolis, Pa, 15108 - phone 412-264-7432 - have an easement across a small portion of this lot. We need to know how far from this easement a 2 tank Septic system can be built and how far from this line the house structure can be placed.

At the point of building the lot is 161.37 feet deep. Zoning ordinances require 100 feet set back from rd. center and 50 feet from rear lot line.

We have requested a 70' set back or in other words a 30' front variance. The Board of appeals has attempted to give a rear variance, but were advised by a remote neighbor that the Federal law would prohibit a septic system at rear of house. May we have a copy of your document which states how far from rear lot line a septic system would need to be.

The pipes are approximately 18-24 inches under ground and are high power lines.

You may contact Laurel Pipeline Company at office of:

Mr. J.B. Schopmeyer  
469 Moon Clinton Rd  
Coropolis, Pa 15108  
phone-412-264-7432

Yours sincerely,

F. Lucille Nesbit  
7931 Carter Rd.  
Northfield, Ohio 44067  
Phone-216-467-9599

An answer within 1 wk's time would be helpful.